

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:03CV211
(1:00CR2)**

SHAWN McALLISTER,)	
)	
Petitioner,)	
)	
Vs.)	<u>ORDER</u>
_____)	
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court on the Petitioner's request for a certificate of appealability regarding the Judgment filed November 5, 2005, denying his § 2255 motion and the Order filed December 9, 2005, denying his motion for reconsideration.

An appeal may not be taken to the court of appeals from the denial of a motion pursuant to 28 U.S.C. § 2255 unless a certificate of appealability has been issued. **28 U.S.C. § 2253(c)(1)(B)**. Such a certificate may not issue unless the applicant has made a substantial showing of the denial of

a constitutional right. **28 U.S.C. § 2253(c)(2)**. The Petitioner has not made such a showing.

IT IS, THEREFORE, ORDERED that the Petitioner's motion for a certificate of appealability is hereby **DENIED**.

Signed: February 16, 2006

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

